

Society of St Francis de Sales

salesian headquarters

Via Marsala, 42 – 00185 Rome

*The Vicar of the Rector Major*

Rome, 12 March 2021

Prot. No. 21/------

For the kind attention of

**PROVINCIALS and SUPERIORS**

*for information of*

**VICE-PROVINCIALS**

**PROVINCIAL SECRETARIES**

HEAD OFFICES

**Subject: Transfer of confreres.**

Dear Father Provincial,

I hope you are well during these difficult times, along with all the confreres and your people.

I am sending you this short letter to help each of you to carry out the service entrusted to you, informing you of a change and asking you to follow the instructions I indicate below regarding the transfer of confreres between one “juridical circumscription” (province or vice-province) and another.

1. **Our Salesian law**

C. 160: *By first profession a member is enrolled in the juridical circumscription for whose service he asked to be admitted.*

 *He can be enrolled in another juridical circumscription by permanent or temporary transfer on the part of the competent authorities*

The text ***Elementi giuridici e prassi amministrativa del governo dell’Ispettoria* (Juridical Elements and Administrative Practice in the Government of the Province)** specifies the matter and makes it concrete with the following points:

1. Enrolment of a Member in a Province.

*Article 160 of the Constitutions states that: “By first profession a member is enrolled in the juridical circumscription (Province or Vice-Province) for whose service he asked to be*

*admitted”.*

*The member is therefore incardinated in the Province (or Vice-Province) whose Provincial admitted him to the Novitiate, admitting him from that time for the service of the Province (or Vice-Province); this is also the case even if the first profession is made in another Province (something common in inter-provincial novitiates).*

*Also in the case of an inter-provincial prenovitiate it is the Provincial of origin who admits him to the novitiate and then numbers the novice as a member of his own Province.*

1. **Transfer of a member from one circumscription to another**.

*The transfer of a member of one circumscription (Province or Vice-Province) to another circumscription (Province or Vice-Province or house directly dependent on the Rector Major) can be definitive or temporary.*

*b/1) Definitive transfer*

The Rector Major decides definitive transfer. It can be brought about:

* by a mandate of obedience of the Rector Major who definitively appoints a confrere to a circumscription for a special assignment, after having heard the opinions of the confrere concerned and the major Superiors of the two circumscriptions (that of origin and that of destination);
* by request of the confrere:

 In such a case the following documentation is to be sent to the Rector Major:

* the personal application of the confrere, addressed to the Rector Major, giving reasons for the requested transfer;
* the written consent of the Provincial of origin;
* the written consent of the Provincial who is to receive the confrere.

After study of the documentation and the reasons, the Rector Major can issue a decree of definitive transfer.

*b/2) Temporary transfer*

It can take place in two ways:

* with the appointment of a confrere to a task in a circumscription other than his own for as long as the task lasts.

When the time for the task expires, the member returns to his own Province unless something new arises.

* by agreement between the Superiors (Provincials or Superiors of a Vice-Province) of the two circumscriptions: by the norm of article 151 of the Regulations a Provincial (or Superior of a Vice-Province) having heard the opinion of his Council can send a confrere temporarily to another Province (cf. also Reg. 157,3). In such a case there must be a written agreement certifying the temporary transfer.

For the whole time that a member has been temporarily transferred to another Province (or Vice-Province) he depends completely on the Provincial (or Superior of the Vice-Province) of the new Province (or Vice-Province). He takes part in the voting for the Provincial Chapter in the house in which he resides and in the voting of the provincial list of the Province to which he has been transferred (unless he has been transferred only for reasons of study or health).

1. Confreres who work in non-Salesian structures.

Our own particular law provides for the case of confreres destined to work in institutions or structures which are not Salesian:

* in the service of particular Churches (dioceses and parishes);
* in educational and social institutions at the service of youth or the world of work (cf. Reg. 35).

The Provincial must have the consent of his Council to appoint a confrere to this type of work and he is required to follow up and constantly assess how these confreres are getting on (Reg. 35; 156.4).

In particular it is appropriate that the conditions foreseen for a positive association with the Salesian Community are clearly set out in the written document with which the Provincial gives the appointment to the confrere:

* both in regard to the local religious Superior on whom the confrere will depend;
* and in regard to the contacts to be maintained with the Salesian Community.

Canon 681 of the Code of Canon Law also prescribe that, in appointing a confrere to a non-Salesian structure, the Provincial should draw up a written Agreement with the ecclesial (diocese or parish) or educative-social institution, at whose disposition the confrere(s) is being placed.

This agreement should clearly state the duration of the service, which will always be for a fixed period..

1. **Transfer of confreres: repeal of the temporary provision**

The Rector Major, with the consent of the General Council, has modified a practice that has remained tacitly in force since GC22, helping to clarify some dubious situations concerning the juridical belonging of the confreres but which has also create some confusion.

La provision, published in in *ASC* 284 (1976) p. 69, reads as follows: “A transfer from one Province to another, which has taken place without the prescribed form or of which there is no dear documentary evidence, is to be considered definitive and therefore accompanied by the consequent loss of membership in the original Province after ten fulI consecutive years of residence in the other Province”.

This provision, which was to be considered temporary, was observed until the 28th General Chapter was convened and held, as indicated in *AGC* 427 (2018) p. 67.

The Rector Major, therefore, with the consent of the General Council, has abrogated this “provision”, ordering that, from now on, all transfers of confreres from one circumscription to another shall follow what is expressly foreseen in Art. 160 of the Constitutions and Art. 151 of the General Regulations and reported in detail in numbers 134 and 135. of *Elementi giuridici e prassi amministrativa del governo dell’Ispettoria (Juridical Elements...)*.

This repeal implies the need for an explicit request from the confrere concerned requesting the transfer and/or a decision, in writing, by the competent superiors involved in the transfer procedure.

Hence the invitation to verify any situations to be regularised or clarified in your provinces, which referred to the temporary provision published in *ASC* 284 (1976) p. 69 and in Acts of the General Council that followed, up until *AGC* 427 (2018) p. 67 and now definitively repealed.

1. **Communication to the Secretary General**

Finally, I ask that any temporary transfers between juridical circumscriptions always be accompanied by a *written agreement* between the two superiors involved and that *it be forwarded to the Secretary General and the General Councillor for the Region* (or regions) involved.

Thanking you for your attention and collaboration, my cordial greetings and let me assure you of my remembrance in prayer for you, for the confreres of your communities and for those who together with you carry out the Salesian mission for the young.

May the Lenten journey we are now on revive our faith and prepares us for the encounter with the Risen Christ.

Fr. Stefano Martoglio